

# **How a Bill becomes a Law**

## **An Overview**

A Delegate or Senator has an idea for a bill, usually from a constituent.

He or she presents the idea to the Division of Legislative Services and requests that it be drafted into a bill. The bill is signed by the patron, introduced, and printed.

The bill is referred to an appropriate committee. The members of the committee consider the bill and decide what action to take. This is when the public may speak.

**First Reading:** The bill title is printed in the Calendar or is read by the Clerk, and the bill advances to second reading.

**Second Reading:** The next day the bill title appears in the printed Calendar on second reading. Bills are considered in the order in which they appear on the Calendar. The Clerk reads the title of the bill a second time. A bill on second reading is amendable. A bill that has passed second reading with or without an amendment is engrossed. If an amendment is adopted, the bill is reprinted in its final form for passage.

**Third Reading:** The next day, the engrossed bill title appears in the Calendar on third reading. The title is read a third time by the Clerk. By recorded vote, the bill is passed.

**Communication:** When passed, the bill is sent to the other body, either by the Clerk in a communication or by a member in person, informing the other body that the bill has passed.

**In the other body:** The bill goes through essentially the same procedure as it did in the house of origin. The bill title is printed in the Calendar or is read by the Clerk. The bill is referred to a standing committee, considered, and reported by the committee. The title is read a second and a third time before passage.

**Committee of Conference:** If the House amends a Senate bill, or the Senate amends a House bill, and the house of origin disagrees with the amendment, a conference committee, usually three members from each legislative body, may be formed to resolve differences.

**Enrollment:** After being passed by both houses of the General Assembly, the bill is printed as an enrolled bill, examined, and signed by the presiding officer of each chamber.

**Governor:** The bill is then sent to the Governor for his approval. After being signed by the Governor, the bill is sent to the Clerk of the House (Keeper of the Rolls of the Commonwealth) and is assigned a Chapter number. All Chapters of a session are compiled and bound as the Acts of Assembly.

Bills that become law at a regular session (or the reconvened session that follows) are effective the first day of July following adjournment of the regular session, unless otherwise specified.

## **The Details**

### **Bills**

A bill is a document which either 1) changes the current law, 2) adds new law, or 3) deletes existing law. The idea for a bill may come from General Assembly members, their constituents, lobbyists, the governor, or heads of state agencies charged with administering the law.

## **Drafting & Introducing a Bill**

A General Assembly member tells the staff of the Division of Legislative Services (DLS) what needs to be accomplished by the proposed legislation. The DLS staff checks existing law and the constitutionality of the proposed legislation. A bill is drafted (written) and given to the member for introduction.

The member who introduces a piece of legislation is called the patron or sponsor. The patron is responsible for guiding his or her legislation through both houses. Members or members-elect may introduce legislation in accordance with the Code of Virginia and the schedule for the conduct of business established by the General Assembly.

A procedural resolution that establishes the schedule for the conduct of business for each session is agreed to by both houses at the beginning of each session. This schedule sets certain deadlines for the introduction and consideration of legislation throughout the legislative process.

Current law allows members to prefile bills with the Clerk of their respective body no earlier than sixty days before the beginning of a session in an even-numbered year (such as 1996, 1998, etc.), but bills may be prefiled up to 180 days prior to the beginning of a session in an odd-numbered year (such as 1997, 1999, etc.). According to the Code of Virginia, bills relating to charters, claims, tax-exempt property, additional expenditures by localities, retail sales and use tax exemption, the Virginia Retirement System, or those having a fiscal impact on the Department of Corrections must be introduced no later than the first calendar day of any session, unless otherwise specified.

## **Bill Referred to Committee**

A committee is a group of legislators organized for the purpose of considering and deciding upon the disposition of a bill or resolution.

### **In the House of Delegates**

Upon introduction, the Clerk of the House of Delegates assigns a number for each bill and sends the legislation to the Speaker of the House. The Speaker refers the bill to a committee. It is ordered to be printed and the original bill is delivered to the committee clerk. The members of the 20 standing committees are appointed by the Speaker of the House of Delegates and have from 5 to 22 members.

### **In the Senate**

The bill is assigned a number by the Clerk of the Senate, who refers it to a committee. The Rules of the Senate specify the subject areas to be considered by each committee. For example, a bill relating to the inspection of motor vehicles would be referred to the Committee on Transportation, and after the bill has been referred, it is printed and the original bill is delivered to the committee clerk. There are 11 committees in the Senate and all have 15 members, except the Finance Committee which has 17 members. Committee members are elected to each committee by the Senate at the time the Senate organizes every four years.

## **Committee Meeting/Action**

### **Committee Meeting**

The committee system is an integral part of the legislative process. The committee meets to hear reasons why the bill should be reported to the Senate or the House of Delegates. The patron is usually the first to speak. The public also has an opportunity to voice support or opposition to a bill. Any citizen of the Commonwealth has the right to attend a committee meeting and speak about legislation.

In conducting business, standing committees are governed by the rules of their respective body. The list of bills assigned to the committee is called the docket. The chairman of the committee determines which bills on the docket will be considered at its meeting.

### **Committee Action**

After the committee hears the patron and any other witnesses, the committee has several options when the chairman calls for a vote. One of the following actions may be taken and recorded by the committee clerk:

1. Report: The majority of the committee approves of the bill and it is reported to the floor. The bill may be reported 1) without amendment, 2) with amendment(s), or 3) with an amendment in the nature of a substitute. A bill may also be reported and referred to another committee using this method.
2. Pass by Indefinitely (PBI): This action allows the committee to reconsider the legislation prior to the deadline established by the procedural resolution that sets the schedule for consideration of bills.
3. Defeat: The committee rejects a motion to report the bill, and there is no further action by the committee.
4. Continue/Carry Over: A bill introduced in an even-numbered year session may be continued or carried over to an odd-numbered year session for further action or study during the interim. A carry-over bill retains its assigned bill number in the odd-numbered year session. A bill may not be continued or carried over from an odd-numbered year session to an even-numbered year session.
5. Pass by for the day: The committee is not ready to act on the bill. If the bill is not taken up before the deadline, then it is considered Left in Committee or No Action Taken.
6. No Action or Left in Committee: No motion is made on the bill and it dies at the time of the committee action deadline.
7. Incorporate into other Legislation: The bill is incorporated, or included into another bill through an amendment or a substitute. The bill may have similar language or duplicate language with the same intent.

### **First Reading a Bill**

The Virginia Constitution requires that the title of each bill be read three times or appear in the printed Calendar on three different days. Legislation reported from the Committees (Senate bills from Senate committees, House bills from House committees) appears on the Calendar under the category of Senate Bills on First Reading in the Senate or House Bills on First Reading in the House of Delegates.

To assist each body in conducting business, the Clerk publishes a Calendar for each day the body meets. The Calendar is a document listing the number and the title of each bill before the body. The bill numbers and titles are divided according to the reading which should take place during the session for that day, i.e. Third Reading, Second Reading, and First Reading. Since each body has different legislation before it, the Calendar for the House is not the same as the Calendar for the Senate.

House legislation, when first received by the Senate after passage in the House of Delegates, receives its first reading and is referred to the appropriate Senate committee. Likewise, Senate legislation, when received by the House of Delegates after passage in the Senate, receives its first reading and is referred to the appropriate House committee.

### **Second Reading**

For Senate legislation in the Senate or House legislation in the House of Delegates, the bill's second reading is also referred to as the "amendable stage." On this reading, committee amendments are usually taken up first and adopted or rejected by the body. Sometimes there are so many amendments to a bill that an "amendment in the nature of a substitute" is reported by the committee. After consideration of any committee amendment(s) or substitute(s), the body considers any floor amendment(s) or floor substitute(s) which may have been offered by a member of the body. At this point, debate is limited to discussion on the amendment(s) or substitute.

### **In the House of Delegates**

When the House has House bills on second reading, the Clerk reads the title, and the House debates and votes on any amendment(s) or substitute(s). Following this, the House of Delegates debates the merits of each bill as it may be amended, and votes whether to engross the bill and advance it to third reading. If a bill fails to be engrossed and advanced to its third reading, the bill is defeated.

### **In the Senate**

When the Senate has Senate bills on second reading, the Clerk reads the title of each bill, and the Senate debates and votes on any amendment(s) or substitute(s). The Senate then considers the motion to engross the bill and advance it to its third reading.

Votes on amendments or substitutes are usually voice votes. When the votes are close and the presiding officer, the President of the Senate or Speaker of the House of Delegates, cannot determine which side prevails, a division or a vote is taken.

After the consideration of any amendment(s) or substitute(s), a bill is ordered to be "engrossed" and advanced to its third reading. Engrossing means incorporating any amendment(s) which may have been adopted by the body. Once the amendments are adopted, the engrossed bill is printed. If the bill has no amendments, the bill, as introduced, becomes the engrossed bill. If the body adopts a "substitute," the substitute becomes the engrossed bill. There is no further printing, unless a floor substitute is adopted.

Legislation of the other body, i.e. House bills in the Senate or Senate bills in the House of Delegates, is not considered amendable on second reading. This legislation, having been reported from a committee, is listed in the Calendar the next day. Committee amendments are not shown in the Calendar until the legislation is on third reading. Debate on amendment(s) to legislation of the other body takes place on third reading.

### **Third Reading**

The Constitution requires that for a bill to become law there should be a recorded vote on the passage of the legislation. This means that every legislator who voted on the question: "Shall the bill pass?" is shown in the public record as voting "Yea", "Nay", or "Abstain" pursuant to the rules of each body and the laws of the Commonwealth.

### **In the House of Delegates**

On votes on passage in the House, members vote "Yea" if they are in support of a bill and "Nay" if they are against a bill. If a member wants to "abstain", he invokes or "votes" Rule 69 indicating that he is present for the vote but has a specific, personal interest in the outcome of the bill.

### **In the Senate**

The merits of the bill are debated by the Senate prior to voting. On the vote on passage members vote "Yea" if they are in support of the bill and "Nay" if they are against a bill. If a member wants to abstain, he invokes or "votes" Rule 36 indicating that he is present for the vote but has a specific, personal interest in the outcome of the bill.

### **Bill Communicated to Other Body for Approval**

The Constitution of Virginia establishes a bicameral legislature that requires each body of the General Assembly to pass legislation in exactly the same form before it can be sent to the Governor to become law.

Upon passage of legislation, bills and the action taken regarding them are communicated to the other body. Usually, communications are delivered to the other house at the beginning of each day and contain all of the previous day's actions.

Senate legislation which is defeated on the floor of the Senate is not communicated to the House of Delegates. House legislation which is defeated on the floor of the House is not communicated to the Senate.

### **Legislation in the Other Body**

Legislation, when initially received by the other body, is read a first time and referred to the appropriate committee. If the committee reports the bill to the floor, it is on its second reading. When the bill is on third reading, any amendment(s) or substitute(s) will be considered, and the passage of the bill is debated and voted on.

If the other body also passes the bill without amendment(s), it is enrolled and communicated to the Governor, since it has passed both the House of Delegates and the Senate in the same form.

If a Senate bill is passed by the House of Delegates with amendment(s) or with a substitute, the bill and the changes must be communicated to the Senate, so that the Senate will be in a position to consider the changes proposed by the House. If the Senate agrees to the changes proposed by the House, the bill, with the changes, is enrolled and sent to the Governor. If the Senate does not agree to the changes, a Committee of Conference may be formed to resolve the differences between the House and the Senate. If a Committee of Conference is not formed, the bill fails to pass.

### **Conference Committee**

This is the process to resolve differences between the houses of the General Assembly when legislation is passed in different forms. Each Committee of Conference consists of an equal number of Senators and Delegates. If an agreement is reached, the terms of the agreement are reported to each body. If each house agrees to the report, the changes agreed to in the Committee of Conference are incorporated into the bill and the "compromise" bill is enrolled and sent to the Governor. If the Committee of Conference cannot agree or the report is rejected by either body, the bill dies.

### **Governor**

For any bill presented, the Constitution of Virginia provides the Governor with three options: sign, veto, or offer amendments. The Governor may also veto one or more items in an appropriation bill. If the Governor does not act on a bill, it becomes law without his signature.

During the regular or special session, the Governor has seven days to act on bills presented to him. If there are fewer than seven days remaining in the General Assembly session, or if the General Assembly has adjourned, the Governor has thirty days after adjournment to act on bills.

If the Governor recommends amendments to or vetoes a bill, and the General Assembly is still in session, the General Assembly can consider the Governor's action.

When the General Assembly receives recommended amendments or vetoed legislation from the Governor, it is sent to the house of origin, i.e. House bills are sent to the House of Delegates and Senate bills are sent to the Senate. There are various constitutional options available to the General Assembly:

A. The Governor's amendments can be agreed to or rejected. If the amendments are agreed to by both houses, the amended bill is reenrolled and becomes law. Governor's amendments may be rejected and the original bill sent back to the Governor where it may be signed as originally presented or vetoed. The house of origin, having rejected a Governor's amendment, can pass the bill as originally presented to the Governor by a vote of two-thirds of the members of each body.

B. The Governor must submit amendments in a form that allows the General Assembly to act on each amendment individually. The General Assembly may accept or reject part of the amendments. The bill is then returned to the Governor with the amendments agreed to by the General Assembly. The Governor may approve or veto the bill as amended. If the Governor does not act, the bill will become law without his signature.

C. If either house of the General Assembly determines that the Governor's amendments are not specific and severable (able to be acted upon individually), that house may refer the bill to committee and the bill will be treated as if it was just introduced. If the bill is then passed by the General Assembly, it is enrolled and sent back to the Governor for approval or veto.

D. The Governor's vetoes may be upheld or overridden. If the veto is upheld, the bill dies. The vote to override a Governor's veto requires a two-thirds vote of both the House of Delegates and the Senate.